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doing business as the Home & Networks Mobility  
business of Motorola Inc.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11

Case No. 08-35653 (KRH)  
(Jointly Administered)

**MOTION OF GENERAL INSTRUMENT CORPORATION DOING BUSINESS AS THE  
HOME & NETWORKS MOBILITY BUSINESS OF MOTOROLA INC. FOR  
ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM  
PURSUANT TO 11 U.S.C. § 503(b)(9)**

General Instrument Corporation doing business as the Home and Networks Mobility  
business of Motorola Inc. (“Home & Networks”), by and through its undersigned counsel,  
submits this Motion for Allowance and Payment of Administrative Expense Claim Pursuant to  
11 U.S.C. § 503(b)(9) (the “Motion”), and in support respectfully states as follows:

Jurisdiction

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

Background

2. On November 10, 2008 (the “Petition Date”), each of the above-captioned debtors (together, the “Debtors”) filed voluntary petitions for relief pursuant to chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of Virginia (the “Court”).

3. The Debtors continue to operate their businesses and manage their affairs as debtors in possession pursuant to 11 U.S.C. §§ 1107(a) and 1108.

Background.

4. Within the twenty-day period prior to the Petition Date, Debtor Circuit City Stores, Inc. (“Circuit City”) received certain goods (the “Goods”) from Home & Networks, the value of which is no less than \$85,321.74, which were sold to Circuit City in the ordinary course of Circuit City’s business. A true and correct copy of Home & Networks’ Section 503(b)(9) Claim Request Form is attached hereto as Exhibit A. The value of the Goods is not less than \$85,321.74. Home & Networks has not been paid for these Goods.

Relief Requested

5. Through this Motion, Home & Networks respectfully requests that the Court enter an order allowing Home & Networks an administrative expense claim in the amount of \$85,321.74 pursuant to Section 503(b)(9) of the Bankruptcy Code (the “Claim”).

Basis for the Relief Requested

6. Bankruptcy Code Section 503(b) provides that:

After notice and a hearing, there shall be allowed, administrative expenses... including

(9) the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.

11 U.S.C. §503(b)(9).

7. The elements of Section 503(b)(9) are met and the Court should allow the Claim.

In this case, there is no dispute that Home & Networks sold the Goods to Circuit City in the ordinary course of Home & Networks business. The Goods were of the same type sold by Home & Networks to Circuit City during their relationship and under normal circumstances. In addition, the Goods were received by Circuit City within 20 days prior to the Petition Date. Furthermore, the value of the Goods delivered during that period is \$85,321.74, as evidenced by invoices attached as part of Exhibit A.

Waiver of Memorandum of Law

8. Pursuant to Local Bankruptcy Rule 9013-1(G), and because there are no novel issues of law presented in the Motion, Home & Networks requests that the requirement that all motions be accompanied by a written memorandum of law be waived.

WHEREFORE, Home & Networks respectfully requests that the Court enter an order allowing the Claim in the amount of \$85,321.74 pursuant to 11 U.S.C. § 503(b)(9) and (ii) awarding Home & Networks any other relief as is just and proper.

Date: December 19, 2008

**BUCHANAN INGERSOLL & ROONEY PC**

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